

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OKLAHOMA FIREFIGHTERS PENSION
AND RETIREMENT SYSTEM, Individually
and on Behalf of All Others Similarly Situated,

Plaintiff,

v.

PEABODY ENERGY CORPORATION,
GLENN L. KELLOW, and AMY B.
SCHWETZ,

Defendants.

No. 1:20-cv-08024-PKC

Judge P. Kevin Castel

CLASS ACTION

ORAL ARGUMENT REQUESTED

**NOTICE OF MOTION OF OREGON PUBLIC EMPLOYEES
RETIREMENT FUND FOR APPOINTMENT AS LEAD PLAINTIFF
AND APPROVAL OF SELECTION OF LEAD COUNSEL**

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that proposed Lead Plaintiff Oregon Public Employees Retirement Fund (“Oregon PERF”), will move this Court pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), on a date and at such time as may be designated by the Court, for the entry of an Order: (i) appointing Oregon PERF as Lead Plaintiff; (ii) approving Oregon PERF’s selection of Labaton Sucharow LLP as Lead Counsel for the Class; and (iii) granting such other and further relief as the Court may deem just and proper.

This Motion is made on the grounds that Oregon PERF is the “most adequate plaintiff” under the PSLRA and should therefore be appointed Lead Plaintiff. Oregon PERF has the “largest financial interest” in the relief sought by the Class in this action. Oregon PERF also otherwise satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure because its claims are typical of other Class members’ claims, and because Oregon PERF will fairly and adequately represent the Class. Further, Oregon PERF is the paradigmatic Lead Plaintiff envisioned by Congress in enacting the PSLRA because it is a sophisticated institutional investor with a substantial financial stake in the litigation that will provide effective monitoring and supervision of counsel.

This Motion is based upon the accompanying supporting Memorandum of Law, the concurrently filed Declaration of Francis P. McConville, the pleadings and other filings herein, and such other written or oral argument as may be permitted by the Court.

WHEREFORE, Oregon PERF respectfully requests that the Court grant its motion and enter an Order: (i) appointing Oregon PERF as Lead Plaintiff; (ii) approving Oregon PERF’s

selection of Labaton Sucharow as Lead Counsel for the Class; and (iii) granting such other and further relief as the Court may deem just and proper.

DATED: November 27, 2020

Respectfully submitted,

/s/ Francis P. McConville

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Oregon Public Employees Retirement Fund,
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